

35. The method of claim 18, wherein the step of inserting includes inserting an implant in combination with a material selected from one of a bone growth promoting material, bone morphogenetic protein, and bone.

B' 36. The method of claim 18, further comprising the step of placing an inner sleeve within said sleeve prior to the step of forming the bore.

37. The method of claim 36, further comprising the step of removing said inner sleeve prior to the step of inserting said implant.

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### **REMARKS**

Applicant canceled claim 1 without prejudice and added new claims 18-37 to further define applicant's claimed invention. It is submitted that new claims 18-37 are patentable over the art of record.

In the Action, the Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,669,909 to Zdeblick et al. ('909). Applicant respectfully traverses the Examiner's rejection and notes that now cancelled claim 1 included the step of forming a frusto-conical bore not taught, disclosed, or suggested by Zdeblick '909. The Examiner's rejection is further rendered moot by Applicant's canceling of claim 1 without prejudice in favor of newly added claims 18-37. New claim 18 includes the step of forming a bore with opposed arcuate portions in angular relationship to one another. Zdeblick '909 discloses the drilling of a cylindrical bore having opposed arcuate portions in parallel relationship to one another as is typically formed by a conventional drill. (See Figs. 13(b), 13(c) and 14(b); Col. 4, lines 25-49).

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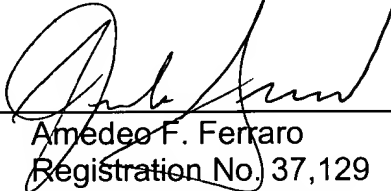
time under 37 C.F.R. § 1.136 not accounted for in the papers accompanying this response, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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